
Defense and Devolution

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by: Dayan Jayatileka Just as it did at the moment of decolonization and independence, the visible post-war moment provides a rare historic opportunity for nation building and the construction of national identity. We missed the first chance, but must not miss the second. In his nationally televised dialogue with audiences in several areas on Tuesday August 19th, President Rajapaksa, speaking in Sinhala to largely Sinhala rural crowds, pledged to hold elections to the Northern Provincial Council within a year of its liberation just as he had held election to the Eastern Provincial Council. He added that he was considering elections to the local authorities in Jaffna very much earlier.

Gotabhaya Rajapaksa, Defence Secretary, had already indicated the goal in his response to The Times online, stressing the need to privilege a common Sri Lankan identity over and above our separate ethnic identities, allowing for devolution of power, and reiterating the President's commitment to it. In the context of a negotiated settlement the post-war order is shaped by all who sit around the table, including the peacemakers. However, given the nature of the LTTE, and as Kethesh Loganathan used to point out, the appeasement by the international community and Colombo's civil society, a peaceful settlement of Sri Lanka's conflict has repeatedly proved impossible. Sri Lanka will get beyond the war to a post-war situation because of the military victory scored by the Sri Lankan armed forces, made possible under the political leadership of the Rajapaksa presidency. In a context where the post war moment is the result of a war, the post-war order is decided upon by those who led, fought in and supported the war. There can be no national identity without a unified national territory. It is unrealistic to expect those -- national or international, Sinhala, Tamil or Muslim-- who opposed the war of liberation, those who practiced a policy of appeasement, who acted as proxies for the enemy, to be stakeholders in deciding or shaping the post-war order. Notwithstanding the academic exercises debating Sri Lankan identity by those who opposed the necessary war through which Sri Lanka must be reunited as a single sovereign territorial space. The post-war order, the crucible of evolving national identity, will almost certainly be decided by those -- Sinhala, Tamil and Muslim; national, regional and international--who stood shoulder to shoulder in, or stood with, or at least did not stand against, the anti-fascist war of national reunification. As we make the transition into the last stage--though not phase--of the conventional war against the LTTE, it is wise to have a clear idea of what comes after. It is in this context that the debate on devolution must be placed. Those who advocate the non-implementation of the 13th amendment, as well as those who advocate only its partial, rather than full implementation, have not taken into account the realities of post-mid intensity conflict warfare, that is the low intensity conflict that will doubtless follow the defeat of "the conventional military power of Tamil Eelam" -- as the late columnist "Taraki" used to call it. Sri Lanka's President H.E. Mahinda Rajapaksa The Sri Lankan military and STF will doubtless be required to follow up the conventional military victory with the complete and final elimination of the LTTE as a military force, destroying its columns in jungle warfare, its cells in urban counter-terrorist warfare, uprooting its organisational infrastructure and its weapons caches. What has to be avoided is a situation in which the Tigers, their proxies or substitutes, succeed in winning by other means that which they could not win by military means. The mighty USSR fell without a shot being fired, having defended itself, Europe and the world, against the armies of Nazi fascism. Therefore it is necessary to avoid what the Chinese Communist leadership has correctly called the dangers of "peaceful evolution". Even after the shooting stops, the 6th amendment to the Constitution which bans secessionism must be strictly enforced with regard to the LTTE and its proxies. The LTTE should be banned. Its proxies should be treated as Spain, a member of the EU, treats Herri Batasuna, the parliamentary party of Basque separatism, which has been proscribed by the respected judge Balthazar Garzon as a party which "maintains links with an underground armed organisation". Mr. Gotabhaya Rajapaksa, Defence Secretary There is however, an important corollary. The ban on the espousal of separatism in Spain and India is regarded as legitimate because it takes place in a system that contains generous autonomy for ethnic or ethno-lingual regions. Therefore, the implementation of the devolution of power to the provinces must parallel this strict enforcement of the ban on separatism. The Sri Lankan armed forces will have to stay in the North and East for as long as is needed but not a moment longer than is needed. If we pull out prematurely due to manipulated demands from Tamil politicians, endorsed by regional or global players wielding carrots and sticks, it will be at the risk of the reactivation of the Tigers and/or the Tamil Eelam struggle. There will have to be a long-term Sri Lankan armed forces presence in the North and East, positioned in such a configuration and of such a strength that can suppress, pre-empt and deter any sign of separatist-terrorist activity. Mr. Shivanethurai Chandrakanthan, Chief Minister -- Eastern Province As importantly or even more so, there will have to be a constantly modernised Sri Lankan combined services presence guarding our porous borders against the largest source of anti-Sri Lankan sentiment, namely Tamil Nadu. However, if the Sri Lankan armed forces presence is too large, too obtrusive, remains largely mono-ethnic and mono-religious, and has too many abrasive functions in relation to Tamil society and public life, we risk exactly the same danger. Our armed forces would then have the profile of an army of occupation, with peaceful protests erupting, and violent incidents being flashed around the world, giving credence to the cause of separatism. We must avoid a replay of the whole experience ranging from the socially insensitive conduct of TAFAI through the suppression of the Satyagraha of 1961 to the brutal retaliatory tactics of the early 1980s. Let us learn the lesson of Israel. It is a society and a people whose achievement ranges from the ancient Biblical texts to ultra-modernity: instead of resting on its heritage which is a foundational part of Western civilisation, in the 60 years since its founding it has produced eight Nobel Prize winners. However, Israel is locked in conflict, unable to fulfil its brilliant potential in the world. The turning point was in 1967. Neither Moshe Dayan and his Generals who won the Six Day War so spectacularly, nor Prime Minister Golda Meir, ever planned to remain in permanent occupation of Arab land. Col. Karuna - TMVP When he saw his paratroopers praying at the Wailing Wall, Moshe Dayan snorted "what's this, the Vatican?" and ordered the pulling down of an Israeli flag flying over a sacred Islamic site. Today, his daughter Yael Dayan, a decorated war veteran, writer and Deputy

Mayor, is a leading figure protesting against the building of the "security wall". The impulse for encroachment on and annexation of Arab/Palestinian land, turning a brilliant military victory into the political quagmire of permanent occupation, came not from the largely Westernized, sophisticated Israeli politico-military ruling elite, but from native Jewish ultranationalist religious fundamentalists. This is where devolution comes in. The issue of land is at the heart of civic conflict in many regions of the world, Israel/Palestine being only the worst or the best known. Nothing is as emotive and nothing is guaranteed to give any armed forces presence a profile of an army of occupation as unsettled questions of land, involving the peasantry. An exhaustive discussion on Land in relation to devolution took place between the Governments of Sri Lanka and India and a complex formula was arrived at. Whether or not it is adhered to, one can envisage land being a bone of contention in the North and the East, but the danger in non-adherence is that we shall not have India on our side or even neutral in any such dispute. If India is alienated from us, so too will be everyone else. A land dispute in the East is also likely to involve the Muslim community, and if so, our valuable support from Pakistan, Iran and the OIC (the 52 nation Organization of the Islamic Conference) will stand in jeopardy. If the Tamil citizens of the East, especially the peasantry, are locked in a protracted confrontation with the Sinhala community, the state or the armed forces over land, it will be impossible for our Tamil allies the TMVP to stand aside. If the TMVP were to move against the Tamil people it would weaken their base. If they moved against the Sinhalese it would weaken our profile, reducing it to a Sinhala Only one. It would therefore be profoundly counter-productive for us NOT to implement fully, the 13th amendment, including on the subject of land. Matters are as clear when it comes to the issue of police powers. Unlike in the case of a conventional war, no low intensity conflict/counter-insurgency has ever been won without a major role for local forces and this still truer when the conflict has a dimension of identity, i.e. when the insurgent and state's armed forces are drawn from different ethno-national, linguistic or religious groups. "Chechenisation" was a cornerstone of Vladimir Putin's victory over the ferocious Chechen secessionist terrorist army. In the absence of local forces, the conflict becomes one between an army of occupation and the people of the area. The state requires an intermediary layer to avoid such polarization. If these local forces are not to remain irregular militia which could lapse into banditry, they have to be incorporated into the system and subject to the rule of law. This is where the granting of police powers to the Provincial Councils as per the 13th amendment, comes in handy. In a recent, widely reported speech in Canada, Prof Ratnajeewan Hoole, whose scholarly credentials I greatly respect, has made an incomplete identification of the choices facing the Tamil people. He lists separation, federalism and assimilation. Having obliquely indicated a preference for the first option, he rules it out as unfeasible. He concludes with a robust call for federalism through international involvement. Prof Hoole unwittingly gives comfort to those Sinhala extremists who argue that Tamil moderates are closet Eelamists who prefer Tamil Eelam if it were feasible, would settle for federalism only because separation is not an option at the moment and would stretch federalism to the point of separation if given half a chance. This leaves one with the realisation that the only realists among the moderate Tamils are not in the Diaspora, but on the island, and represented by Douglas Devananda, Chief Minister Chandrakanthan and Col. Karuna, i.e. the EPDP and TMVP. Prof Hoole also makes a grave analytical error in his identification of options. A glance around the world would show him that there is a fourth option, namely the devolution of power/autonomy within a unitary system, as practiced in the UK, China and the Philippines (if I were to name but three diverse examples). This is the option arrived at under the Indo-Sri Lanka, which could not be implemented primarily (but not exclusively) because the LTTE went to war against the IPKF. Once that armed spoiler is out of the way, the devolution option becomes practicable. Provincial autonomy as contained in the 13th amendment must be saved from two quarters: those who would seek to move beyond it by vaulting over it, and those who seek to dismantle, delay or dilute it. The Tamil community must be liberated from the structural political impasse they find themselves in. The Sinhalese must be emancipated from the structural economic-developmental, institutional and human resources impasse they find themselves in. Post-war Sri Lanka needs to catch up with the rest of Asia, the high growth area of the world. These objectives require a policy of Defence and Devolution. (These are the personal views of the writer). (Courtesy : The Island)